

OCT 27 2006

Docket No.: 022290.0116C1US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Valerie Legrand et al.

Application No.: 10/826,690

Confirmation No.: 9585

Filed: April 19, 2004

Art Unit: N/A

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For: MICROPARTICULATE ORAL GALENICAL  
FORM FOR THE DELAYED AND  
CONTROLLED RELEASE OF  
PHARMACEUTICAL ACTIVE PRINCIPLES

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Examiner: Not Yet Assigned

**PETITION FOR UNINTENTIONALLY DELAYED  
CLAIM FOR PRIORITY UNDER 37 CFR § 1.78(a)(3)**MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application has an incomplete priority claim. Paragraph [0001] of the current specification reads "This application is a continuation-in-part of Application No. \_\_\_\_\_, which is the National Stage of International Application No. PCT/FR02/03443, filed Oct. 9, 2002, and claims the benefit of FR01/12999, filed Oct. 9, 2001, each of which is incorporated herein by reference."

When this application was filed on April 19, 2004, the application number of the parent application, filed April 7, 2004, was unavailable. As such, the application number of the parent application was not provided at the time of filing.

As per 37 CFR §1.78(a)(3), we therefore submit a statement that the entire delay between the date the claim was due under paragraph 37 CFR (a)(2)(ii) and the date the claim filed is unintentional. It is submitted, therefore, that on the basis described above the priority claim should be held to be inadvertent and the enclosed Amendment and Response should be entered.

10/30/2006 A: CDAF1 00000029 10826690

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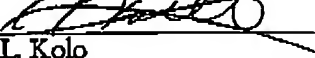
Application No.: 10/826,690

Docket No.: 022290.0116C1US

Please charge our Credit Card in the amount of \$1,370.00 covering the fee set forth in 37 CFR 1.17(t). Credit Card Payment Form SB-2038, with a signature from an authorized cardholder, is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2228, under Order No. 022290.0116C1US.

Dated: October 27, 2006

Respectfully submitted,

By   
Lacy L. Kolo  
Registration No.: 55,340  
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Attorney for Applicant

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OCT 27 2006

PTO/SB/17 (07-06)

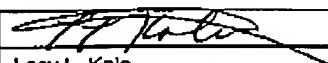
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b> Application Number 10/826,690-Conf. #9585 Filing Date April 19, 2004 First Named Inventor Valerie Legrand Examiner Name Not Yet Assigned Art Unit N/A Attorney Docket No. 022290.0116C1US	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1,370.00			

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account Deposit Account Number: 50-2228 Deposit Account Name: Patton Boggs LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		Small Entity		Small Entity		Small Entity	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
							Small Entity
							Fee (\$)
<b>Fee Description</b>							
Each claim over 20 (including Reissues)							50 25
Each independent claim over 3 (including Reissues)							200 100
Multiple dependent claims							360 180
<b>Total Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>	
HP = highest number of total claims paid for, if greater than 20.		x		=			
<b>Indep. Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>	
HP = highest number of independent claims paid for, if greater than 3.		x		=			
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).							
<b>Total Sheets</b>		<b>Extra Sheets</b>		<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	
- 100 =		/50		(round up to a whole number) x		=	
						<b>Fees Paid (\$)</b>	
<b>4. OTHER FEE(S)</b>							
Other (e.g., late filing surcharge): Petition for Unintentionally Delayed Claims for Priority							1,370.00

<b>SUBMITTED BY</b>			
Signature 	Registration No. (Attorney/Agent) 55,340	Telephone (703) 744-8000	
Name (Print/Type) Lacy L. Kolo		Date October 27, 2006	

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